- 1. That a decree may be passed for the sale of the lot of ground off said farm, fronting on the east side of the Hagerstown road, described by Lloyd R. Brandenburg and wife, at the price of \$10.00 or 12.00 per front foot for a depth of 200 feet more or less, or to yield at the rate of around one thousand five hundred dollars per acre, more or less; and for the sale of other building lots off said farm fronting on said road or otherwise eligbly situated, as shown on the plat to be filed at a similar price, and of the farm itself if at the time of the decree it is shown to be advantageous to all the parties concerned; and also of the mountain lot on same conditions; and for the investment of the proceeds of sale of all the property sold, as the Court shall direct.
- 2. That a trustee may be appointed to make such sale or sales, and also a trustee to take the place of John J.Smith, deceased.
- 3. And that your orators may have such other and further relief as the nature of the case may require.

May it please your Honors to grant unto your orators the writ of subpoena in the usual form directed to the said I Statton Smith and Virginia Smith, his wife, living in Myersville, in said county, to Sarah Ann Elizabeth Young and Elias Young her husband, residing at Hagerstown Maryland, and the order of publication against Elmer J. Smith whose place of residence is unknown, and who is presumed to be dead by reason of his long absence unheard of.

And as in duty bound,

(Filed March 23,1928)

Glenn H. Worthington
Solicitor for Complainant.

EXHIBIT "DEED"

This Deed made on this ____day of January in the year Eighteen Hundred and Ninety four by us Elmer J. Smith and Mary C. Smith his wife, of Frederick County in the State of Maryland, WITNESSETH; - Whereas it is the desire of the said Elmer J. Smith to provide for the maintenance and support of his wife Mary C. Smith and his children by her, and to that end, he and his said wife have concluded to execute these presence, Now Therefore, in consideration of the premt ises and the sum of Five Dollars in hand paid, we the said Elmer J. Smith and Mary C. Smoth his wife, do grant unto John J. Smith of Frederick County aforesaid all those parcels of land conta+ ining 117 acres and 32 perches more or less in Jackson District Frederick County, Maryland, and conveyed to said Elmer J.Smith by deed recorded in Liber W.I.P.No.6 Folio 309 by reference whereto it will fully appear, to have and to hold said farm in trust for the following purposes that is to say take, hold, lease and receive the proceeds of said farm and apply the same after the payment of the taxes and expenses incident to said farm and the keeping it in proper repair, as follows, 1st; to the maintenance and support of the said Mary C. Smith and the children of the said Elmer J.Smith now born or hereafter born of the body of the said Mary C.Smith so long as the said Mary C. Smith shall remain the wife of the said Elmer J. Smith, or if the said Elmer J.Smith shall die before the said Mary C.Smith, then so long as she shall remain hos widow and until she shall remarry again.

and; And also upon the further trust on the death or remarriage of the said hary C.Smith, whichever shall first occur then the said John J.Smith shall continue to apply the proceeds of said farm after the payment of the expenses above mentioned to the maintenance and support of the children of the said Elmer J.Smith until the youngest of said children shall become twenty one years of age, and when said youngest child shall become twenty-one years of age or if at such age, ewhen the said hary C.Smith shall die or re-marry then the said John J.Smith shall convey by deed said farm and property to said children in fee but if any of said children be dead leaving children, the share their parent would have received if living shall be conveyed to them in said deed,

3rd. If however there shall be no children or child or child or children by a deceased child or children of the said Elmer J. Smith living to whom said farm and land can be conveyed in the